

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \* \* \*

JAMES DAVID PATTERSON,

Plaintiff,

vs.

NEVADA DEPARTMENT OF  
CORRECTIONS, et al.,

Defendants.

03:05-CV-0293-LRH (VPC)

ORDER

Presently before this court is the Report and Recommendation of Magistrate Judge Valerie P. Cooke (#15<sup>1</sup>) recommending the court grant Defendants', Nevada Department of Corrections, Dan Shaulis, Adam Endel and E.K. McDaniel, motion to dismiss (#8) and dismiss Plaintiff James Patterson's complaint (#5). No objections have been filed to the Magistrate Judge's recommendation.

The court has conducted its *de novo* review in this case and has fully considered the Magistrate Judge's reasoning, the pleadings and memoranda of the parties and other relevant matters of record. The court determines that the Magistrate Judge's Report and Recommendation, recommending that Plaintiff's claim be dismissed as moot, should be adopted and accepted.

Plaintiff's complaint seeks injunctive relief based on the conditions of his confinement in Nevada's prison system. Plaintiff has since been paroled in Nevada and is now incarcerated in Louisiana. Plaintiff has not alleged that he is likely to return to the Nevada prison system.

---

<sup>1</sup> References to (#XX) refer to the court's docket.

1 Plaintiff's transfer renders his request for injunctive relief moot absent some evidence of an  
2 expectation of being transferred back. *See Preiser v. Newkirk*, 422 U.S. 395, 402-03 (1975);  
3 *Johnson v. Moore*, 948 F.2d 517, 519 (9th Cir. 1991) (*per curiam*). Accordingly, the Magistrate  
4 Judge's recommendation to dismiss the complaint as moot is appropriate.

5 It is therefore ORDERED that the Magistrate Judge's Report and Recommendation (#15)  
6 is adopted and accepted. Defendants' Motion to Dismiss (#8) is GRANTED.

7 The Clerk shall enter judgment accordingly.

8 DATED this 6<sup>th</sup> day of June, 2006.

9  
10 

11  
12 

---

LARRY R. HICKS  
United States District Judge